

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

<p>AMERICAN CIVIL LIBERTIES UNION FOUNDATION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SOUTH CAROLINA</p> <p>Plaintiffs</p> <p>v.</p> <p>SPARTANBURG COUNTY; CHUCK WRIGHT, in his official capacity as the Spartanburg County Sheriff; and ALLEN FREEMAN, in his official capacity as administrator of the Spartanburg Detention Center,</p> <p>Defendants.</p>	<p>Case No.</p>
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**DECLARATION OF CANDY M. KERN-FULLER IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Candy M. Kern-Fuller, declare as follows:

1. I am an attorney licensed in the State of South Carolina and founding partner at Upstate Law Group, LLC. I make this declaration based on personal knowledge, and I am competent to testify regarding the following facts.

2. My firm has been providing *pro bono* assistance to the American Civil Liberties Union Foundation ("ACLU") and American Civil Liberties Union Foundation of South Carolina ("ACLU-SC") for their investigation into potential constitutional violations suffered by people who are prosecuted in South Carolina summary courts. The primary goal of our work has been

to interview inmates in the state's county jails, including the Spartanburg County Detention Center.

3. On December 2, 2016, I left a message on then-Captain Allen Freeman's office phone and sent an email to him requesting permission for me and Linda Moon, an ACLU legal fellow, to meet with twenty-seven inmates inside the Detention Center. I offered times that we were available to meet with inmates on the following dates: December 5, 2016; December 7, 2016; and December 8, 2016.

4. Attached hereto as Exhibit A is a true and correct copy of the email I sent to Captain Freeman on December 2, 2016, requesting permission for attorney visitation, and Captain Freeman's reply.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed in Easley, South Carolina, on the 20th day of April, 2017.

By:


Candy M. Kern-Fuller, Federal Bar # 9149

UPSTATE LAW GROUP, LLC

200 East Main Street

Easley, South Carolina 29640

(864) 855-3114

(864) 855-3227 (Facsimile)

candy@upstatelawgroup.com

SWORN TO BEFORE ME

This 20th day of April, 2017



Notary Public for South Carolina

My Commission Expires; 3-3-2018

EXHIBIT A

-----Original Message-----

From: Freeman, Allen [<mailto:AFreeman@spartanburgcounty.org>]

Sent: Friday, December 2, 2016 6:14 PM

To: candy@upstatelawgroup.com

Subject: Re: Professional visitation

The only visit allowed would be those of Attorneys the represent Inmates in criminal, civil or family court proceedings. Our public defender has representation in the facility daily Monday-Friday. We do not allow any visitation inside our facility otherwise. My question do you represent the below in any of the proceedings I listed ?

Sent from my iPhone

On Dec 2, 2016, at 5:21 PM, Candy M. Kern-Fuller, Esq.

candy@upstatelawgroup.com<<mailto:candy@upstatelawgroup.com>>> wrote:

I understand that your office accommodates professional/attorney visits from 8:00 am and 10:00 pm Monday through Friday, but requests that all such visits be scheduled in advance through the Director's Office. I have left a message with your office and this email is a follow-up to that message.

Linda Moon and I would like to schedule visits with the following inmates on Monday, December 5, 2016, between the hours of 6:30 p.m. and 10 p.m.:

Roker, Krist

Waters, Johnny Sims

Dominick, Kenneth Anthony

Douglas, Jerome David

Dupree, Jaquan Deandre

Mejia-Delgado, Jennifer Mejia

Cochran, Kelsey Blair

Oglesby-Wallace, Kaylin Lenise

Hardin, Damas Andrea

We would like to schedule visits with the following inmates on Tuesday, December 7, 2016, between the hours of 9:00 a.m. ad 2:30 p.m.:

Norman, Robert Alexander

Young, Perry Lee

Jeter, Larry Floyd

Pagan, Jose Gonzalez

Foster, Raymond Quinn

Foster, Ryan Donovan

Fuller, Miranda Jeanette

Stevenson, Anthony Deontae

Foster, Jennifer Marie

Finally, we would like to schedule visits with the following inmates on Wednesday, December 8, 2016, between the hours of 9:00 a.m. and 3:00 p.m.:

Meadows, Robert James

Fernanders, Tangenika Ailsa

Epps, Robin Nicole

Greene, Chesly Decota

Rions, Rachelle Lynn

Ferguson, Lakeith Cortez

Phillips, Kristin Marie

Tinsley, Tyree Lewis

Waldrop, Melissa Renee

I would appreciate your confirming these appointments at your earliest convenience. Thank you, Candy Kern-Fuller, Esq.

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Easley, South Carolina 29640

(864) 855-3114<tel:%28864%29%20855-3114>

(864) 855-3446<tel:%28864%29%20855-3446> (facsimile)

** CERTIFIED MEDIATOR AND ARBITRATOR FOR OVER 15 YEARS **

CONFIDENTIALITY NOTE: THIS EMAIL WAS SENT FROM A LAW FIRM. IT MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION AND IS INTENDED SOLELY FOR THE USE OF THE PERSON(S) NAMED ABOVE OR THE PERSON(S) WHO IS THE INTENDED RECIPIENT OF THE MESSAGE. IF YOU ARE NOT AN INTENDED RECIPIENT OF THIS EMAIL, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR DUPLICATION OF THIS E-MAIL IS PROHIBITED AND THAT THERE SHALL BE NO WAIVER OF ANY PRIVILEGE OR CONFIDENCE BY YOUR RECEIPT OF THIS TRANSMISSION. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY US BY COLLECT TELEPHONE CALL OR FAX TO THE NUMBER INDICATED ABOVE.

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